

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA**

In Re:

Bky. No.: 04-50490 GFK

LLOYD J. PETERSON,

Debtor.

**NOTICE OF MOTION AND VERIFIED MOTION OBJECTING
TO PROPERTY CLAIMED AS EXEMPT**

TO: THE COURT, THE DEBTOR, THE DEBTOR'S ATTORNEY, TODD E. DEAL, AND
THE UNITED STATES TRUSTEE

1. Robert R Kanuit, Trustee of the bankruptcy estate of the above-named debtor moves the Court for the relief requested below and gives notice of hearing.

2. The Court will hold a hearing on this motion at 2:00 p.m. on July 7, 2004, before the Honorable Gregory F. Kishel, in Courtroom 2 at the United States Courthouse, 515 West First Street, in Duluth, Minnesota.

3. Any response to this motion must be filed and delivered not later than July 2, 2004, which is three (3) days before the time set for the hearing, or filed and served by mail not later than June 28, 2004, which is seven (7) days before the time set for the hearing. **UNLESS A RESPONSE OPPOSING THE MOTION IS TIMELY FILED, THE COURT MAY GRANT THE MOTION WITHOUT A HEARING.**

4. This Court has jurisdiction over this motion pursuant to 28 U.S.C. §§ 157 and 1334, 11 U.S.C. § 522, 11 U.S.C. § 542, Bankruptcy Rules 4003d, 9013 and 9014, and Local Rules 702 and 1201, et seq. This proceeding is a core proceeding. The petition commencing this Chapter 7

case was filed on April 26, 2004. The case is now pending in this Court. Movant is entitled to object to Debtor's claims of exemption pursuant to Bankruptcy Rule 4003.

5. This motion arises under 11 U.S.C. § 522, 11 U.S.C. § 542, and Bankruptcy Rule 4003 and Local Rule 702. This motion is filed under Bankruptcy Rule 9014 and Local Rules 9001-1 to 9006-1 and 9013-1 to 9013-5. Movant requests relief with respect to Debtor's nonexempt property.

6. Debtor has claimed an employee share investment plan (Canadian National) exempt under 11 U.S.C. § 522(d)(10)(E), which movant objects to.

7. Movant objects to debtor's claim of exemption because movant has requested information from the debtor concerning the plan but, to date, the debtor has not provided it. Without this information, movant is unable to determine whether the plan is exempt or not.

WHEREFORE, trustee, Robert R. Kanuit, moves the Court for an order sustaining his objection to debtor's claimed exemption and such other relief as may be just and equitable.

Dated this 16th day of June, 2004.

_____/e/ Robert R. Kanuit
Robert R. Kanuit (#0252530)
Chapter 7 Trustee
4815 W. Arrowhead Road, #230
Hermantown, MN 55811
(218) 722-7722

VERIFICATION

I, Robert R. Kanuit, movant, declare under penalty of perjury that the foregoing is true and correct according to the best of my knowledge, information and belief.

Dated: June 16, 2004

_____/e/ Robert R. Kanuit
Robert R. Kanuit

**UNITED STATES BANKRUPTCY COURT
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UNSWORN DECLARATION FOR PROOF OF SERVICE

The undersigned, being an employee of Kanuit & Bray, Ltd., attorneys licensed to practice law in this Court, with office address of 4815 W. Arrowhead Road, Hermantown, MN 55811, declares under penalty of perjury that on the date stated below, she served the annexed **Verified Motion Objecting to Property Claimed as Exempt and (proposed) Order** upon the persons named below by mailing to them a copy thereof by enclosing same in an envelope with first class mail postage prepaid and depositing same in the post office at Hermantown, Minnesota, addressed as follows:

Lloyd J. Peterson
6636 Heritage Trail
Gilbert, MN 55741

Todd E. Deal
Deal & Pineo
230 First Street So., #106
Virginia, MN 55792

U.S. Department of Justice
Office of the United States Trustee
U.S. Courthouse, Suite 1015
300 South Fourth Street
Minneapolis, MN 55415

Dated this 16th day of June, 2004.

/e/ Clara J. Keopple
Clara J. Keopple

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ORDER

At Duluth, Minnesota, _____, 2004.

Upon the objection to property claimed as exempt filed by the trustee and upon all the files and records of the proceedings herein,

IT IS ORDERED:

The trustee's objection is sustained and the employee share investment plan with Canadian National is not exempt.

Honorable Gregory F. Kishel
United States Bankruptcy Judge